IN THE HIGH COURT OF UTTARAKHAND ATNAINITAL

Civil Contempt Petition No. 220 of 2007

Sultan Geer S/O Sri Peeru, R/O Churiyala, Mohanpur, Pargana Bhagwanpur, District Haridwar.

….. Applicant

Versus

1. Basheer Ahmad S/O Sri Azim Baksh, R/O Muntazim Masjid Majkoor, Mauja Churiyala Mohanpur, Pargana Bhagwanpur, District Haridwar.

….Respondents.

Sri Ajay Veer Pundir, learned counsel for the applicant.

*Date September 27, 2007***.**

Hon'ble B.S. Verma, J.

This contempt petition has been filed to punish the respondents for committing contempt of this Court's Order dated 14-10-2004 passed in Writ Petition No. 996 of 2004, Sultan Vs. A.D.J./F.T.C. and others.

The order dated 14-10-2004 was passed by this Court in the wit petition no. 996 of 2004, Sultan Vs. A.D.J., which had arisen out of interim order passed by the courts below in the proceeding arising from civil suit under Order 39, Rules 1 and 2 of the C.P.C.

I have heard learned counsel for the applicant at length and perused the material on record.

It may also be mentioned that the order dated 14-10-2004 was passed by this Court to the effect that "so far as status quo is concerned the same may continue, however the respondents are restrained from transferring the property in dispute till the pendency of the Writ Petition." The petitioner has nowhere alleged that the respondents have transferred the ownership of the disputed

land to third persons. In the circumstances, I am not inclined to entertain the contempt petition, which is liable to be dismissed.

If the order passed by the trail court or the appellate court in the proceedings arising out of Civil Suit No. 47 of 1976 has been flouted by the respondents, the petitioner may approach the court concerned under Order 39, Rule 2(a) of the C.P.C.

The contempt petition is dismissed in limine. However, the petitioner may approach to the civil court under Order 39, Rule 2(a) C.P.C.

(B.S. Verma, J.)

RCP